

degenerative diseases, neurodegenerative diseases, ischaemia, disorders of the immune system and/or infectious diseases, and/or metabolic dysfunctions.

51. The use of the oligonucleotides according to claim 41 for the analysis of gene function or drug target validation.

#### REMARKS

New claims 35-51 are submitted, hereby, in place of claims 18-34. Claims 35-51 correspond to claims 18-34, revised to include relevant SEQ ID NOs from the Sequence Listing.

Allegations, in the Office action and Notice to Comply, to the contrary notwithstanding, a Sequence Listing, in paper copy and computer readable form, and a statement that the content of the paper copy and computer readable form are the same and contain no new matter were filed in the PTO on June 26, 2000. A copy of the corresponding PTO receipt card, date stamped "JUN 26 2000," is attached hereto.

The instant application is in full compliance with the PTO rules concerning biological sequences (contained in 37 CFR Subpart G- Biotechnology Invention Disclosures). A fully compliant Sequence Listing was submitted, as stated above, and the specification and claims reference discussion of sequences by reciting "SEQ ID NO:" followed by the number assigned the sequence in the Sequence Listing.

As to the alleged necessity of referencing in the figures any sequences contained in the Sequence Listing by sequence identifier preceded by "SEQ ID NO:," PTO rules provide:

Where the *description or claims* of a patent application discuss a sequence that is set forth in the "Sequence Listing" in accordance

with paragraph (c) of this section, reference must be made to the sequence by use of the sequence identifier, preceded by "SEQ ID NO:" in the text of the description or claims, even if the sequence is also embedded in the text of the description or claims of the patent application.

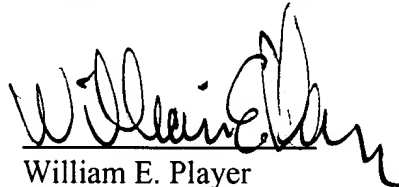
37 CFR 1.821(d) (*emphasis added*). The rules mention only "description or claims," not figures.

Thus, the Office action is, again, incorrect.

Favorable action is requested.

Respectfully submitted,

By:



William E. Player  
Reg. No. 31,409

JACOBSON, PRICE, HOLMAN & STERN, PLLC  
400 Seventh Street, N.W.  
The Jenifer Building  
Washington, D.C. 20004  
Tel.: (202) 638-6666  
Atty. Dkt. No.: P63763US0

R:\HOME\VB\YERS\2001\June\P63763amd.wpd